

Remarks

Reconsideration of remaining claims 1-3, 5 and 9-18 is respectfully requested.

In the Office action dated October 24, 2003 (application Paper No. 2), the Examiner rejected various ones of the claims under 35 USC §§ 112, first paragraph, 102(e) and 103(a). The Examiner's various rejections will be discussed below in the order appearing in the Office action.

35 USC § 112, first paragraph Rejection - Claims 6 and 7

The Examiner first rejected claims 6 and 7 under 35 USC 112, first paragraph as containing subject matter which was not described in the specification. In response to this rejection, applicant has cancelled claims 6 and 7 from this application.

35 USC § 102(e) Rejection - Claims 1-3, 5, 9-11, 15-30 and 33

The Examiner rejected the above-cited group of claims under 35 USC 102(e) as being anticipated by US Patent 6,546,257 (Stewart). In response to this rejection, applicant has amended independent claims 1 and 10 to further define the selection process as including "demographic information of the wireless terminal user". It is asserted that the use of demographic information in the selection process is not disclosed or suggested by Stewart. In light of this amendment, therefore, applicant respectfully requests the Examiner to reconsider this rejection and find remaining claims 1-3, 5, 9-11 and 15-18 to be in condition for allowance.

35 USC § 103(a) Rejection - Claim 8

Claim 8 was next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Stewart. Inasmuch as claim 8 has been cancelled from this application, applicant believes that this rejection need not be addressed.

35 USC § 103(a) Rejection - Claims 4, 12, 13, 31 and 32

Claims 4, 12, 31 and 32 were next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Stewart (as above), in further view of US Patent 6,526,275

(Calvert). Regarding the subject matter of claim 4 (which has now been incorporated into independent claims 1 and 10), the Examiner referred to Calvert at column 9, lines 16-21 as teaching the use of demographic information.

In response, applicant asserts that Calvert uses demographic information for the purposes of providing a selected seller more information regarding the potential buyer. In contrast, the system and method of the present invention utilizes the “demographic information” as part of the selection process in the first instances. There is no teaching or suggestion in Calvert, either alone or in combination with Stewart, regarding the use of demographic information as part of the seller selection process. Therefore, applicant respectfully requests the Examiner to reconsider this rejection and find independent claims 1 and 10, as now containing the subject matter of rejected claim 4, to be in condition for allowance. Similarly, applicant requests the Examiner to find remaining dependent claims 12 and 13 also in condition for allowance.

35 USC § 103(a) Rejection - Claim 14

Lastly, the Examiner rejected claim 14 under 35 USC 103(a) as being unpatentable over Stewart (as above), in further view of US Patent 6,456,854 (Chern et al.). The Examiner cited Chern et al. as teaching the use of a “web interface” to receive the advertisement information. In response, applicant asserts that the combination of Stewart with Chern et al. still lacks any teaching of using demographic information of the potential purchaser in the merchant selection process, as required by amended claim 10, from which claim 14 depends. Without this teaching, applicant asserts that claim 14 is allowable over the cited combination of references and respectfully requests the Examiner to reconsider this rejection.

In summary, the present application contains claims 1-3, 5 and 9-18, where the remaining claims have been cancelled from this application. Independent claims 1 and 10 have been amended to distinguish the subject matter of the present invention from the cited references. Applicant believes that the case, in its present form, is now in condition for allowance and respectfully requests an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the

case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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Date: 2/23/04